

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.A. LOCAL 342 JOINT LABOR-
MANAGEMENT COMMITTEE, et al.,

No. C 04-2531 SBA
No. C 05-1758 SBA

Plaintiffs.

ORDER

v.

AIRTEKS MECHANICAL SERVICES, INC., et
al.,

Defendants.

and related case

On April 19, 2006, this Court was given notice that defendant Jerome Bohland ("Bohland") filed a petition for relief under Chapter 13 of the Bankruptcy Code on March 1, 2006 in the United States Bankruptcy Court, Northern District of California, Bankruptcy Petition No. 06-40231. This Court currently has under submission the Report and Recommendation re Plaintiffs' Motions for Default Judgment Against Jerome Bohland, issued by Judge Brazil on April 19, 2006. However, pursuant to 11 U.S.C. § 362(a)(1), it appears that Bohland's Chapter 13 bankruptcy petition stays any further proceedings in this Court.

Accordingly,

IT IS HEREBY ORDERED THAT the above-captioned cases are DISMISSED WITHOUT PREJUDICE TO BEING REOPENED upon the conclusion of the bankruptcy proceedings or upon notice from Plaintiffs that they have been granted relief from the bankruptcy stay. These matters shall be reopened and restored to the active civil calendar upon written application by any party within 60 days of either: (1) an order from the Bankruptcy Court granting relief from the automatic stay, or (2) the

1 conclusion of the bankruptcy proceedings. However, failure to move to reopen the matters within the
2 deadlines set forth herein will result in this dismissal becoming final, absent any extension of time
3 previously granted.

4 Should any party object to this Order due to its belief that these actions are not automatically
5 stayed pursuant to the Bankruptcy Code, leave is hereby granted to file such objection with the basis
6 therefore on or before May 15, 2006.

7 This Order TERMINATES Plaintiffs' Motion for Default Judgment [Docket No. 62 in Case No.
8 C 04-2531 SBA; Docket No. 60 in Case No. C 05-1758 SBA]. This Order also TERMINATES the
9 Report and Recommendation [Docket No. 81 in Case No. C 04-2531 SBA; Docket No. 80 in Case No.
10 C 05-1758 SBA]. In the event that the above-captioned cases are reopened, Plaintiffs shall re-serve the
11 Report and Recommendation on defendant Jerome Bohland and defendant Jerome Bohland shall file
12 his objections to the Report and Recommendation, if any, no later than ten (10) days of service.

13 IT IS SO ORDERED.

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15 Dated: 4/24/06


SAUNDRA BROWN ARMSTRONG
United States District Judge